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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/825,492	03/28/1997	DAVID A. HUGHES	81862.P072	1020

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EXAMINER

HSU, ALPUS

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 05/19/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/825,492

Applicant(s)

HUGHES ET AL.

Examiner

Alpus H. Hsu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-8,14-16,18-20,24,25 and 27-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3,5-8,14-16,18-20,24,25 and 27-32 is/are allowed.
- 6) ☒ Claim(s) 33-35,37,38 and 40 is/are rejected.
- 7) ☒ Claim(s) 36,39,41 and 42 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. The request filed on 05 December 2003 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/825,492 is acceptable and a CPA has been established. An action on the CPA follows.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 33-35, 37, 38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over TAKASHIMA et al. in U.S. Patent No. 5,509,007 (of record) in view of RASHID et al. in U.S. Patent No. 5,583,868.

Referring to claim 33, TAKASHIMA et al. discloses a method comprising identifying partially filled ATM cells within an ATM cell stream (col. 9, lines 41-49), and merging two or more of the partially filled ATM cells into a fully packed ATM cell (col. 9, lines 57-60) as claimed. But TAKASHIMA et al. differs from claim in that it does not teach the identifying step is according to a lookup table indexed by connection identification information indicating

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whether or not a connection includes partially filled ATM cells that can be merged. However, the use of lookup table indexed by connection identification information indicating whether or not a connection includes partially filled ATM cells that can be merged is well known in the art and commonly applied in communications field. RASHID et al., for example, from the similar field of endeavor, discloses the feature of utilizing lookup table indexed by connection identification information indicating whether or not a connection includes partially filled ATM cells that can be merged (col. 5, lines 3-19, col. 6, lines 2-12). One skilled in the art would have recognized the advantage of using lookup table for identifying each individual ATM cell. Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to incorporate the specific lookup table of RASHID et al. into the method of TAKASHIMA et al. for the purpose of improving the system reliability and efficiency.

Referring to claim 34, TAKASHIMA et al. discloses that the fully packed ATM cell has a header that includes information indicative of a merging method used (col. 10, lines 21-24).

Referring to claim 35, TAKASHIMA et al. discloses that the fully packed ATM cell further includes information required to reconstruct the two or more partially filled ATM cells (col. 10, lines 47-53).

Referring to claim 37, TAKASHIMA et al. discloses an ATM node, comprising a cell merging apparatus (col. 9, lines 17-18), configured to identify partially filled ATM cells within an ATM cell stream (col. 9, lines 41-49), and to merge two or more of the partially filled ATM cells into a fully packed ATM cell (col. 9, lines 57-60) as claimed. But TAKASHIMA et al. differs from claim in that it does not teach the ATM cell identification is according to a lookup table indexed by connection identification information indicating whether or not a connection

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includes partially filled ATM cells that can be merged. However, the use of lookup table indexed by connection identification information indicating whether or not a connection includes partially filled ATM cells that can be merged is well known in the art and commonly applied in communications field. RASHID et al., for example, from the similar field of endeavor, discloses the feature of utilizing lookup table indexed by connection identification information indicating whether or not a connection includes partially filled ATM cells that can be merged (col. 5, lines 3-19, col. 6, lines 2-12). One skilled in the art would have recognized the advantage of using lookup table for identifying each individual ATM cell. Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to incorporate the specific lookup table of RASHID et al. into the apparatus of TAKASHIMA et al. for the purpose of improving the system reliability and efficiency.

Referring to claim 38, TAKASHIMA et al. discloses that the cell merging apparatus is further configured to insert the merged ATM cell into an outgoing cell stream so as to avoid cell out-of-order transmission within the cell stream (col. 15, lines 21-32).

Referring to claim 40, TAKASHIMA et al. discloses that the fully packed ATM cell has a header that includes information indicative of a merging method used (col. 10, lines 21-24).

5. Claims 1-3, 5-8, 14-16, 18-20, 24, 25, 27-32 are allowed.
6. Claims 36, 39, 41 and 42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Bitz et al. and Shtayer et al. are cited to show the common feature of table lookup mechanism in ATM switching system for ATM cell identification similar to the newly claimed feature in the new claims as filed on 05 December 2003.

8. The following is an examiner's statement of reasons for allowance:

Claims 1-3, 5-8, 14-16, 18-20, 24, 25, 27-32, 36, 39, 41 and 42 are allowable over the prior art of record because all prior arts fail to teach or suggest a method or an apparatus for merging partially filled ATM cells by providing the merged cell having information indicative of a merging method used and a padding method used for the first partially filled ATM cell.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

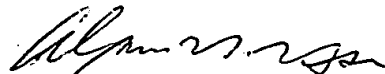
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (703)305-4377. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D. Vu can be reached on (703)308-6602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AHH



Alpus H. Hsu
Primary Examiner
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